

LORI HARPER SUEK
Assistant U.S. Attorney
U.S. Attorney's Office
James F. Battin U.S. Courthouse
2601 Second Ave. North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
E-Mail: Lori.Suek@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWNA MAE SMITH,

Defendant.

CR 18-29-BLG-SPW

OFFER OF PROOF

The defendant, Shawn Mae Smith is charged by indictment with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

PLEA AGREEMENT

Smith will plead guilty to the indictment. The United States presented all formal plea offers to the defendant in writing. The plea agreement entered into by the parties and filed with the court represents, in the government's view, the most favorable offer extended to the defendant. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF CHARGE

In order for Smith to be found guilty of possession with intent to distribute methamphetamine, as charged in indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly and unlawfully possessed methamphetamine; and

Second, the defendant possessed it with the intent to deliver it to another person.

Although not an element, the government would also have to prove beyond a reasonable doubt that the defendant possessed with the intent to distribute 50 or more grams of actual (pure) methamphetamine.

PENALTY

This offense carries a mandatory minimum ten years to life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

In April 2017, the Billings drug task force began an investigation of M.T., who was indicted in October 2017. When M.T. was arrested on the indictment, M.T.'s girlfriend took over his distribution business. On September 11, 2017, through a confidential informant, the task force learned that that the girlfriend would be receiving a package of suspected methamphetamine at the Big 5 Motel in Billings. The agents intercepted the package and executed a controlled delivery. Smith arrived at the motel to pick up the package, and she agreed to be interviewed.

Smith told the agents that the girlfriend sent her to pick up the package, and that she knew it contained drugs. Smith also admitted that she had obtained methamphetamine from the girlfriend previously. Agents seized Smith's phone and, upon reviewing it per Smith's consent, they confirmed that Smith had text messages from the girlfriend directing Smith to pick up the package and deliver it to her.

The package was opened via a search warrant and contained approximately 200 grams of suspected methamphetamine.

DATED this 13th day of July, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney